



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI  
GOVERNOR

DAVID P. LITTELL  
COMMISSIONER

MEMORANDUM

TO The Board of Environmental Protection  
FROM John MacLaine, Bureau of Land & Water Quality, Portland  
RE Consent Agreement for Richard Wengren, Strouts Point Wharf Co  
DATE May 1, 2008

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**Statute and Rule Reference:** *The Natural Resources Protection Act*, 38 M R S A  
Section 480-C, prohibits dredging, bulldozing, removing or displacing soil, sand,  
vegetation or other materials in and adjacent to a coastal wetland without first obtaining a  
permit from the Department

**Location:** Freeport, Maine

**Description:** On September 19, 2007, dredging of marine sediments from a travel lift  
area at Strouts Point Wharf Co was observed by landowners abutting the marina. When  
Department staff arrived, there was a large mound of dredge spoils in the parking lot  
adjacent to the coast. No permit was obtained from the Department for this activity  
although Strouts Point Wharf Co had obtained permits in the past for similar activities.

**Environmental Issues:** Dredging severely alters existing habitat, at least temporarily,  
and negatively impacts water quality due to the resuspension and subsequent deposition of  
silt loads. Sedimentation smothers habitat vital to aquatic organisms for shelter and  
reproduction. Silt also damages fish gills, making the fish susceptible to infection and  
limits their ability to utilize available oxygen. Coastal wetlands can provide a number of  
functions including wildlife habitat. Disturbing a wetland diminishes the function of the  
wetland.

Strouts Point Wharf Co filed an after-the-fact permit application for the dredging activity  
(#L-13858-4E-F-N) which was approved by the Department on January 11, 2008.

**Department Recommendation:** The Department recommends acceptance of this Consent  
Agreement stipulating that Strouts Point Wharf Co pay a monetary penalty of \$2,194,  
which has been paid. The Agreement also requires Strouts Point Wharf Co to comply  
with any and all conditions of Department Order #L-13858-4E-F-N. The penalty is based  
on the Department's penalty policy reflecting the size of the violation, knowledge of the  
violation, and that the violation could have been avoided.

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STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCIO

IN THE MATTER OF:

DAVID P. LITTELL

COMMISSIONER

GOVERNOR

**STROUTS POINT WHARF COMPANY  
FREEPORT, CUMBERLAND, MAINE  
NRPA  
2007213-L**

) **ADMINISTRATIVE CONSENT**  
) **AGREEMENT**  
) **(38 M.R.S.A. § 347-A)**

This Agreement, by and among Strouts Point Wharf Company, the State of Maine, Department of Environmental Protection ("Department"), and the State of Maine, Department of the Attorney General ("AG") is entered into pursuant to the laws concerning the Department's *Organization and Powers*, 38 M R S A § 347-A(1)

The parties agree as follows

1. Strouts Point Wharf Company owns a parcel of land and marina at 5 Wharf Road in Freeport, Maine as described and recorded in Book 9427 on Page 337 of the Cumberland County Registry of Deeds
2. Strouts Point Wharf Company is a Maine corporation authorized to conduct business in Maine and which owns the property described in Paragraph 1 of this Agreement Richard Wengren is the President of Strouts Point Wharf Company
3. The property described in Paragraph 1 of this Agreement contains a coastal wetland as defined by the *Natural Resources Protection Act*, 38 M R S A § 480-B(2)
4. On October 3, 2007, an inspection of the property described in Paragraph 1 of this Agreement by Department staff revealed that sediment had been dredged from a travel lift well. A mound of dredge spoils was observed in the parking lot adjacent to the travel lift. Strouts Point Wharf Company did not first obtain a permit for this activity.
5. By dredging a coastal wetland without first obtaining a permit from the Department, Strouts Point Wharf Company violated the *Natural Resources Protection Act*, 38 M R S A § 480-C
6. On October 31, 2007, the Department issued a Notice of Violation to Strouts Point Wharf Company regarding the violations described in Paragraphs 4 and 5 of this Agreement
7. On October 19, 2007, Strouts Point Wharf Company submitted an after-the-fact permit application to dredge approximately 15 cubic yards of sediment from the travel lift well in the coastal wetland as described in Paragraph 3 of this Agreement. The after-the-fact application was assigned #L-013858-4E-F-N and was approved by the Department on January 11, 2008. All work is completed and all conditions of the permit have been met.
8. The Department has regulatory authority over the activities described herein

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STROUTS POINT WHARF COMPANY  
FREEPORT, CUMBERLAND, MAINE  
NRPA  
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) ADMINISTRATIVE CONSENT  
) AGREEMENT  
) (38 M.R.S.A. § 347-A)

- 9 Pursuant to 38 M R S A § 341-D(6)(C) and 347-A(1)(A)(1), administrative consent agreements must be approved by the Board of Environmental Protection (the "Board") which is part of the Department
- 10 This Agreement shall become effective only if approved by the Board and the Attorney General
- 11 To resolve the violations referred to in Paragraphs 4 and 5 of this Agreement, Strouts Point Wharf Company agrees to pay the Treasurer, State of Maine, upon signing this Agreement, the sum of Two Thousand One Hundred Ninety Four Dollars (\$2,194 00) as a civil monetary penalty
- 12 The Board and the State of Maine Attorney General grant Strouts Point Wharf Company a release of their causes of action against Strouts Point Wharf Company for the specific violations listed in Paragraphs 4 and 5 of this Agreement on the express condition that all actions listed in Paragraph 11 of this Agreement are completed in accordance with the express terms and conditions of this Agreement. The release shall not become effective until this condition is satisfied

IN WITNESS WHEREOF the parties hereto have executed this Agreement consisting of two (2) pages

STROUTS POINT WHARF COMPANY

BY

  
RICHARD WENGREN, PRESIDENT

DATE

3/26/08

BOARD OF ENVIRONMENTAL PROTECTION

BY

ERNEST W HILTON, CHAIR

DATE

SEEN AND AGREED TO  
STATE OF MAINE

BY

MARGARET A BENSINGER, ASSISTANT ATTORNEY GENERAL

DATE